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"HAIL SACRED POLITY, BY FREEDOM REAR'D!
"HAIL SACRED FREEDOM, WHEN BY LAW RESTRAIN'D!"
BEATTIE.

HUDSON, (New-York) TUESDAY, SEPTEMBER 29, 1807.

Original.

Hither the products of your closet-labors bring,
Enrich our columns, and instruct mankind.

FOR THE BALANCE.

A JOURNAL.

THAT men will engage in various and sometimes whimsical employments, was never more verified than in my friend NED OPTICKS. Having been strongly impressed with the truth that "*The proper study of mankind, is man*," which he understood in a generical sense, as including *women*, he has devoted himself peculiarly to the investigation of the fair sex; and insists that to know them thoroughly, and form a nice judgment, it is necessary to view accurately, their constituent parts, body as well as soul; and that no time was more favorable than during their present nakedness.

Ned, accordingly, chose a situation at the corner of two streets the most frequented in a city; where he had the sight also of a public walk; provided himself with an excellent spy-glass; and formed a sort of an OBSERVATORY. He kept a journal of his discoveries, interspersed with reflections on the several objects which occurred. Popping in one day when he was in high glee, having just been inspecting the dimensions and gait of Mrs. *Waddle*, he informed me of his occupation, and read me a part of his journal, wishing to know whether I would approve of its publication. "Ned," said I to him in a familiar way, "This will never do in the world—had you discovered a new planet with its satellites, in the celestial sphere—or had you described a valley or morass in the moon, it had been well enough—but you deal in that which is visible and tangible by all here below—posterity will not credit your account—besides your descriptions are so minute and indelicate as must raise a blush on the cheek of virtue—the females, however they may expose their own secrets, wish not to be scrutinized and gazed at by every body—and I should not wonder if they combine against you, and that you would not be able were you so inclined, to get married all the days of your life." Ned seemed to be struck and yielded to the force of my reasoning. He begged me to take the journal, give it an attentive perusal, and select such parts as I thought fit to meet the public eye. "Mr. Opticks," said I, meaning to sooth him, "I shall do so with pleasure—your pursuit has been commendable—and your care and insight shall not be entirely lost to mankind."

I have not as yet read the manuscript through. It contains some preliminary observations, such as, "the distance at which a middle sized woman may be examined with a good glass, and when by the naked eye"—"the reasons why a man now, instead of looking a lady in the face, and glancing at her ankles, is wholly engrossed by her body"—"the manner of making the artificial bulbs, and the difference between these and natural ones"—"an account of the length and colour of the arms, and a calculation of the proportion which they bear to the other members of the body"—"the way to distinguish by the limbs and walk, from what nation a woman is descended—whether she is Scotch or Irish, high Dutch or low Dutch; and how to know by certain flirtations, what she is thinking of, and what she aims at"—"a discussion on the advantages and disadvantages of petticoats," &c.

These observations are bottomed on the discoveries which Ned has made, and seem to have been written as the issue of them. The journal itself, excepting the reflections made at the time, is the basis on which all is built. I have not determined in what shape, or whether any of it shall be given to the public. It is a pity that so valuable an addition to human knowledge on so intricate a subject should perish. I shall endeavour to act as faithfully with my friend, as I wish another to act towards me in any work of my own which may be handed down to future generations.

A REVISER.

FOR THE BALANCE.

THOUGHTS.

THE Dutch seldom pronounce the final *h* when they speak English. They say *Smit* instead of *Smith*; *wit* or *wid* instead of *with*. A good lady of this description was visited by a clergyman to whom she complained of her *hearth*, which she called *heart*, and said that it wanted much to be mended. The clergyman, as was his duty, began to give her some religious instruction, when she perceiving his mistake, immediately corrected it, by pointing to the object. Alas, we are all apt to think our *hearts* good enough!

A flannel-shirt in winter is worth two great coats.

Parents are exceedingly mistaken in thinking that the future honor and happiness of their children depend upon having large estates left to them. It frequently happens that those do not live by far so usefully and respectably as those who had little or no patrimony at all.

If we wish to make a matter public, the best way is to whisper it to a friend under the injunction of profound secrecy. We may be sure then that in a few days, the whole neighborhood will ring with it.

The exclusion of the bible from schools is highly improper. This book, considered in every way, is the most proper to be put into the hands of children and youth.

The definition which grammarians have given of a noun may be applied to a good sermon. It is "a thing that may be seen, felt, heard or understood."

MENTOR.

Selected.

The English reporter of the case of the deserter, John Wilson *alias* Jenkin Ratford, closes his pamphlet with the following remarks, "in order, (as he says) by spreading all the circumstances minutely before the two nations, to give all parties an opportunity impartially to examine the case." In aid of this purpose we republish his observations, and after we shall have offered to the same tribunal some evidence on the other side (as we shall in our next) we shall also take the liberty of subjoining some remarks of our own, influenced as we trust, by no less laudable motives than those professed by this writer. [*Ev. Post.*]

REMARKS.

"While the American newspapers have, for two months past, echoed and re-echoed the affair of the Leopard and Chesapeake —while town-meetings have been assembled throughout the union, and strings of Resolutions framed, in which each have endeavoured to outdo the others in violence and invective against the British navy and government;—the President of the U. States, instead of disclosing the real state of facts, which was in his possession, and the disclosure of which would have furnished the public mind with a just ground of thinking and acting, has, by the proclamation he issued (though couched in terms of insidious moderation) misled the public mind; increased the ferment occasioned by the partial knowledge of the facts which led to the transaction complained of, and, to use his favorite philosophical expression, set all parties afloat on "*the tempestuous Sea of Liberty.*"

As the violence of the storm has in some measure subsided;—the resolutions, orations and toasts gone harmlessly by, it is highly probable, that plain, undisguised facts may now be listened to; and that the minds of men, which have been excited to indignant expressions, by false statements of facts, may feel the deception that has been practised on them, and turn with no less indignation on their deceivers.—If this sometimes takes place in Countries where the will of the people is not the supreme law, it is much more likely to happen in a country, where all power emanates from the people; and where liberty is indulged to the extreme of licentiousness.

In the proclamation, issued by Mr. Jefferson, he states, "that this enormity was "not only without provocation or justifiable "cause but was committed for the avowed "purpose of taking by force, from a ship "of war of the United States, a part of her "crew; and that no circumstance might be "wanting to mark its character, it had been "previously ascertained that the seamen "demanded were native citizens of the Uni-"ted States."

Would not any person suppose, from this statement of the president, that the contest between the Leopard and Chesapeake, was solely occasioned by the demand of two or three seamen, who before the sailing of the Chesapeake, had been clearly ascertained to be citizens of the United States?

Would it be supposed for a moment, that the following order of the honorable vice admiral Berkely, a copy of which was delivered to commodore Barron, could have been in his possession? Or, can it be imagined that commodore Barron, in making his report to the President of this transaction, should have omitted to make that order a part of his report?

By the honorable George Cranfield Berkeley,

Vice-admiral of the white, and commander in chief of his majesty's ships and vessels employed in the river St. Lawrence, along the coast of Nova-Scotia, the islands of St. John and Cape Breton, the bay of Fundy, and at, and about, the island of Bermuda, or Somers' island.

Whereas many seamen, subjects of his Britannic Majesty, and serving in his majesty's ships and vessels, as per margin* while at anchor in the Chesapeake, deserted and entered on board the United States frigate the Chesapeake, and openly paraded the streets of Norfolk, in sight of their officers, under the American flag, protected by the Magistrates of the town, and the recruiting officer belonging to the above mentioned American frigate; which magistrates and naval Officer, refused giving them up, although demanded by his Britannic majesty's consul, as well as the captains of the ships from which the said men had deserted; the captains and commanders of his Majesty's ships and vessels under my command, are, therefore, hereby required and directed, in case of meeting with the American frigate Chesapeake, at sea, and without the limits of the United States, to shew to the captain of her this order, and to require to search his ship for the deserters from the before mentioned ships, and to proceed and search for the same; and if a similar demand should be made by the American, he is to be permitted to search for any deserters from their service, according to the customs and usage of civilized nations, on terms of peace and amity with each other.

Given under my hand at Halifax, Nova-Scotia, the 1st day of June, 1807.

(Signed) G. C BERKELEY.

To the respective captains and commanders of his majesty's ships and vessels on the North American station.

The above order of the admiral, under which capt. Humphreys acted, clearly shews, that it was not two or three men he was in quest of, but deserters from his majesty's ships, Belleisle, Bellona, Triumph, Chichester, Halifax, and Zenobia, (Cutter.)

The facts developed in the interesting trial of Jenkin Ratford, shew, beyond all controversy, that desertions from his majesty's ships in the Chesapeake, have been most shamefully encouraged, and that the conduct of the American officers employed in their recruiting service, has been such, that they have not only enlisted our men under the very eye of their officers, but when applied to for the delivery of them, their answers have been uniformly evasive and prevaricating.

The president asserts, "that this enormity "was without provocation or justifiable cause" and adds, "that *hospitality* under "such circumstances ceases to be a duty."

These assertions we will examine separately:—and in order completely to refute the first, we shall merely state the treatment which captain Stopford, of his majesty's ship Chichester received. Early in February the commandant of the American Fort Nelson, accompanied by a file of men, called at capt. Stopford's lodgings, and informed him that three men had deserted from the Fort, and were on board his ship and requested they might be delivered up.—Capt. Stopford instantly complied with the request of the American commandant—sent an order to search the ship, and on its being reported to him that the men could not be found, he went on board himself, had his crew mustered, and the ship so effectually inspected, that two of the men were found concealed on board, and the other in a store house contiguous.—They were immediately delivered up to their officer and taken to the Fort. And what renders this transaction more deserving of notice, is, that of the men delivered up, one was an Irishman, and another a native of Manchester.—Mr. Brooks midshipman, stating to Capt. Saunders that he tho't it wrong to deliver up these men, as the Americans would not deliver up British deserters, was immediately put under arrest by Capt. Stopford, who was determined not to be prevented by the misconduct of others, from doing what he thought proper and gentlemanly.

Let us now minutely attend to the conduct of capt. Stopford on this occasion:—Did he enter into a nice discussion of the right he had to retain those American deserters?—Did he go with Mr. Madison, into all the windings and turnings, contained in his nonsensical jargon of instructions transmitted on this subject to Mr. Munroe? Or, did he urge a reason, which he might with more propriety have offered, that the men in question, were born in his majesty's dominion?—No; he had recourse to none of these subterfuges.—He felt as an officer ought to feel on such an occasion: he honorably did as he would wish to be done by, and as far as respected the right these men might have to his protection as British subjects, he justly considered them as renegadoes, who deserved neither the confidence or protection of either country.

We will now contrast the conduct of captain Stopford, with the shameful treatment he afterwards received from the American government:

"When the Chichester left the West Indies four men—two belonging to the Royal Artillery, one to the 15th regiment, and one to the 37th—who had been unwell, but were getting into a state of convalescence, were sent on board her, that in a voyage to the states their recovery might be perfected. These four men deserted from the Chichester, and with their British uniforms on, entered into the American service. They were seen on shore after they had entered by the serjeant of the marines of the Chichester, and one of them had the impudence to offer to shake hands with him, but he rejected his offer with becoming contempt.

These men were applied for by captain Douglas, the commanding officer of the squadron in the Chesapeake, and the answer he received was, if any such men had enlisted, they were gone up the country with a detachment.

Did the gentlemanly conduct of captain Stopford, deserve such a return as this?—Will Mr. Jefferson pretend that such treatment did not furnish just cause of offence and provocation? If he can reconcile so base a transaction to modern maxims of philosophy, we ought to be thankful that the plain common sense of the country we inhabit, is not yet so perverted, and that the terms right and wrong, kindness and unkindness, still retain their proper and appropriate meanings.

We will now notice the cause of the Halifax:—A midshipman and five men are sent from that ship to weigh the kedge an-

* Belleisle, Bellona, Triumph, Chichester, Halifax, and Zenobia, (Cutter.)

chor.—Those men suddenly take possession of the boat, seize upon their officer, whom they threaten to kill, and reach the American shore.—Though the circumstances attending their desertion are peculiarly aggravating, yet they are no sooner landed than they are enlisted by the American recruiting officer, lieut. Sinclair.--Lord Townsend comes on shore, sees his men parading the streets of Norfolk with the American flag—makes application to the authority there, through the British consul, for the delivery of them, without effect.—One of the men would willingly have returned with him, had he not been prevented by the unfortunate man, who on Monday last suffered for his crime.—He finally applies to lieutenant Sinclair, and offers if permitted to go into the rendezvous, to point out the men, but obtained no satisfaction and received the evasive, prevaricating answer, that he knew of no men, who had entered of the names his lordship mentioned.

The American sloop of war Wasp, which sailed the beginning of June, with the president's objections to the pending treaty, as an additional proof of friendly intention carried with her three British deserters.

A number of men deserted from the respective ships named in the admiral's order, and in no instance have they been given up in consequence of the applicatious made for them but have been encouraged and harbored in their desertion, and the most of them entered into the American naval service.

In short the desertions from our squadron in the Chesapeake have been regularly and systematically encouraged, and in too many instances, has insult been added to injury. —And, yet, says Mr. Jefferson "*this enormity was without provocation or justifiable cause.*"

Would the commandant of Fort Nelson have thought as Mr. Jefferson does, if captain Stopford had refused to have given up his deserters when he applied for them? Would he have been satisfied if captain Stopford had told him, that no men of the name he enquired for were entered for his ship, if the very men were at the time, in defiance of him, parading the deck of the Chichester? And would it have exalted his opinion of captain Stopford, if he had known that the names of the men had been changed by his advice, that he might be furnished with a reply so ungentlemanly and evasive?

We wish the American naval officers, among whom are many men of honor, to answer these questions, and candidly acknowledge what would have been their feelings had the case been reversed, and they placed in the same situation. Would they have thought, as Mr. Jefferson does, that they had no ground of offence or provocation? We are satisfied that not only they, but the feelings of all mankind will answer the squestion with becoming indignation.

Under these circumstances, what course was left to the commandant in chief of his majesty's squadron on this station to pursue, but either to suffer his ships to be dismantled in the American harbors where such *insidious hospitality* was afforded them, or to take the very step he did, by which he should not only put an immediate stop to the injury, but bring this question to a determinate issue between the two nations?

The theatre for the decision of this important question, was the most appropriate that could have been chosen—*the open ocean* —that the appeal and the justice of it, might not only be made to the two nations, but to the universe. In this court of honor, no quibbling civilians were admitted. The complaint was simply stated in the admiral's order, (which we have already inserted) and transmitted to commodore Barron, with a polite note, from capt. Humphreys.

To this demand commodore Barron, replies,—"I know of no such men as you describe: the officers that were on the recruiting service for this ship, were particularly instructed by the government, thro' me, not to enter deserters from his Britannic majesty's ships; nor do I know of any being here."

The demand being made, and the reply given, the facts were completely at issue between the parties. And what was the result? That Jenkin Ratford, a deserter from his majesty's ship Halifax, one of the ships named in the admiral's order, was found on board the Chesapeake. And that William Ware, Daniel Martin, and John Strachan, three deserters from his majesty's ship Melampus, (a ship not named in the admiral's order, but coming within the spirit of it) were also found on board, and very properly taken out by captain Humpreys.

How can commodore Barron look honorable men in the face after a disclosure like this? It was in the open view of the universe putting the seal to all the former evasive, prevaricating answers, that our officers had received on application for their deserters: Nor can all the waters of Lethe blot out the disgrace.

If the American government, had in sincerity and good faith, issued the order forbidding deserters from British ships to be enlisted on board the Chesapeake, would not Mr. Jefferson have instantly ordered a court of enquiry, to know why that order had been disobeyed, and to find out the culprits who had dared, by their disobedience of so salutary a regulation, to involve two countries in a contest, the great mass of the inhabitants of which sincerely wish to be at peace with each other? Has any such measure been adopted, or any disclosure of the circumstances which led to this transaction, been made by the American government? And are not many of the American papers loud in their complaints, at the mysterious secrecy observed on this occasion? Does it not look too much like a design to push the public mind, blind-folded to extremities?

If doubt can still remain in the mind of any person whether commodore Barron knew that the men who were taken out of his ship were British deserters, we copy the following extracts from their own voluntary confession:

John Strachan, after giving an account of his desertion from the Melampus, the first of Feb. in company with Ware, Martin, and Little, says, "that they went to Norfolk, where he, Martin and Ware, entered for the Chesapeake—that he knew the faces of several Englishmen on board the Chesapeake, but did not know their names—that *commodore Barron promised to protect him.*"

William Ware says "that when they came before commodore Barron, at the naval-yard at Washington, *he promised to protect them although they were deserters from a British man of war.*"

Jenkin Ratford, before his execution, acknowledged, "that he was born in London, and that he voluntarily entered into his majesty's service—that he deserted in the jolly-boat of the Halifax, in company with George North, captain of the main-top, Henry Saunders, boatswain's mate, Richard Hubert, sail-maker, and another man whose name he did not know—that they all entered at Norfolk for the Chesapeake frigate, and afterwards joined her at the Federal City—that in a short time Richard Hubert ran away, and was seen at Alexandria by some of the crew, about three days after; and that George North and Henry Saunders ran away during the time the ship was coming down the river. That Richard Hubert was from Liverpool, and formerly belonged to the Leander, and that Saunders was an Irishman." On his defence, Ratford said "that at the time their entering for the Chesapeake, lieut. Sinclair asked them if they had not a second name." On this suggestion, Ratford altered his name to Wilson, and was so entered on the Chesapeake's books. To this circumstance it is owing, that the names of North and Saunders were not to be found in the books, and to their having deserted on the passage of the Chesapeake from Washington to Norfolk, is also owing that they were not, like Ratford, found hid in the coal-hole of that frigate. What protection commodore Barron, after all his promises, afforded to these deluded, unhappy men, his own feelings must long before this time have suggested to him.

After the preceding statement of facts, we believe it will be very difficult for Mr. Jefferson to satisfy any man, "*that this enormity was without provocation or justifiable cause.*"

We shall now briefly notice his other assertion, "that *hospitality under such circumstances ceases to be a duty.*"

After the statement we have given of the treatment our squadron received in the Chesapeake, it will naturally be enquired, "What can Mr. Jefferson mean by *hospitality?*" It is true, that our ships were furnished with provisions in the Chesapeake; and as far as this hospitality extended, an equivalent return was constantly made in the punctual and regular payment for those provisions; and thus this account of hospitality, was very nearly balanced. But were those supplies to be put in competition with the daily injury received in the encouragement of our men to desertion? Would Mr. Jefferson, if invited to a banquet, come away very much delighted with the hospitality of his host, if he found that while he was partaking of his viands, he had enticed from his duty a favorite servant? If on remonstrating at the injury, he should be coolly told, the law will protect me in what I have done—would he be able to contain his resentment? Or would he be very desirous of partaking again of such hospitality?

Exactly resembling this, is the *hospitality* that our squadron has been excluded from by the President's proclamation.

The kindest step Mr. Jefferson could have taken, would have been to have issued this proclamation some months ago. A number of seamen, the greatest part of whom are now lamenting their folly in abandoning their country's flag, would have been in our service, and the life of the unhappy man preserved, whose fate we hope will be a warning to others

While therefore it shall be necessary for our ships to remain in the Chesapeake, we sincerely wish that their communication with the American shore may remain interdicted, and that the *mischievous hospitality* so vaunted by the President may continue to be withheld from them.

In the eventful state of the world, the British navy, in the course of providence, forms the only barrier between France and universal empire. That this barrier may not be either weakened or destroyed, ought not only to be the wish of Great Britain, but of America also. Their rulers may be at present fascinated with French victories, or they may be deceived by French intrigues: But if they do not more carefully look to the evils that are impending, it is highly probable, the day is not far distant, when they will feel the effects of their blindness and temerity.

We will now close these remarks with a few observations on another expression in the President's Proclamation, where he says "it had been previously ascertained (that is, before the sailing of the Chesapeake) that the seamen demanded were native citizens of the United States." This assertion we doubt, and for the following reason: In looking into the official paper published at Washington, after some very indelicate remarks, as they respect Mr. Erskine, the British Minister, and of the communications with him relative to British deserters, it gives the descriptions and places of birth of William Ware, Daniel Martin, John Strachan, John Little alias Frances, and Ambrose Watts, as stated to the American government, before the sailing of the Chesapeake, by Commodore Barron, who it is said, had been directed to ascertain their citizenship.—That these descriptions were merely taken from the declarations of the men themselves, and that Commodore Barron, and the American government, took no further trouble in the business, will be rendered evident to all, who do not choose to shut their eyes, by the sentence which immediately follows the above description, in the Washington Official Gazette, which says, "that the report is in train (that is Commodore Barron's Report before the sailing of the Chesapeake) to be formally verified by a recurrence to *the sources of evidence pointed out by the seamen respectively.*"

Now can any thing be clearer than that this report of Commodore Barron's *was not verified* before the sailing of the Chesapeake? If it was, it is surely a work of supererogation to go about the verification of it now. The facts once clearly ascertained by good evidence, would be for ever established. We could strengthen these observations by the testimony of the unhappy men themselves, and prove if any proof was wanting, that Commodore Barron went through the ceremony of asking them a few questions, and thus ended the solemn enquiry he was directed to make, and on this solemn enquiry alone, rests Mr. Jefferson's assertion, "*that it had been previously ascertained they were native citizens.*"

If therefore we take this assertion of the President, and couple it with Commodore Barron's reply to Captain Humphreys, and the whole train of prevarications and evasions that have marked every stage of this business, we shall find in how little estimation the peace of the two countries has been held by the American government. For the facts we have stated speak forcibly to the understanding of every man.

One observation more, and we shall at present dismiss the subject. The men, whose citizenship Mr. Jefferson attempts to verify, belonged to His Majesty's ship Melampus, a ship not named in the Admirals Order, under which capt. Humphreys acted.—And this circumstance totally destroys the assertion of Mr. Jefferson, that it was for the apprehension of these very men this enormity was committed. The Melampus and her men were totally out of the question at issue between the two Ships.—It would certainly have shewn some degree of fairness, if to this report of Commodore Barron, the pedigree of John Wilson, alais Jenkin Ratford, Richard Hubert, George North and Henry Saunders had been added. These men all joined the ship at Washington, and sailed in her from thence.—It is true their desertion prevented their being found on board the Chesapeake; but this does not render the conductors of this shameful prevaricating transaction less criminal.

We omit many other facts which might be urged on this occasion; as they will more properly be connected with the case of the unfortunate men who are yet to take their trials.

The above statement of facts is given, not to irritate or widen the breach between the two nations, who ought to be in amity with each other.—Who, should a contest ensue, might materially mar their mutual prosperity, without deriving any benefit from the contest: but by spreading all the circumstances minutely before them, to give all parties an opportunity impartially to examine the case: and we are confidently persuaded that all candid men will at length agree with us; that if Mr. Madison's quibbling productions on the law of nations, had been thrown into the fire, a little sincerity and plain dealing substituted in the place of the evasions which have marked every part of this transaction, and the same undisguised courtesy and hospitality practised, which marked the conduct of captain Stopford, the harmony of the two nations would never have been interrupted, and the commercial prosperity of both, gone hand in hand with each other.

Halifax, September 5, 1807.

From the Evening Post.

The Case candidly considered.—We are now, agreeably to our promise, to make a plain and concise statement of what we conceive to be the true nature of the present controversy between us and Great Britain.

The English writers in Canada, insist that the sailors who are the immediate cause of dispute, having entered into the British navy, and taken the king's bounty, and then deserted, could not be received and protected by us, and that therefore any British cruiser had a right to retake them whenever she found them, on the high seas "this being the only mode of recovering their deserted seamen."* And some of the most respectable Boston prints have for some time been engaged in softening down the public resentment, and preparing the way for at length maintaining that the attack of the Leopard on the Chesapeake was a necessary, and consequently a lawful act. Lastly letters from Halifax published and circulated in several of our newspapers, charge us with "being in the practice of *crimping* English seamen."

When we see such grounds openly taken or countenanced among ourselves, it is high time for those who hold a different language to come out and make a stand in behalf of our common country. Although not acquainted with all the facts in the case before us, yet it will be found, if we do not deceive ourselves, that enough have transpired to enable every man of common sense to form and pronounce a correct opinion upon it.

* Vide Quebeck Mercury and Montreal Courant.

It appears by the letter of capt. Crafts to the Secretary of the Treasury, the substance of which was published in our last Tuesday's paper, that three of the four men about whom the controversy has arisen, viz. Ware, Martin and Little, belonged to the brig Neptune, which sailed from this port August, 1805; that the brig was captured by the frigate Melampus, and sent into Plymouth for condemnation, the crew, excepting the captain and boy, having been first taken out. The brig and cargo were liberated on a hearing, and after the arrival of the Melampus at the same port, she returned the Neptune her crew, including these men. A few days afterwards, while the Neptune lay at anchor, two of the men, Ware and Martin, were ordered ashore in the boat, which they immediately deserted and left on the beach. Capt. Crafts went ashore in search of them, and found Ware mixing with the crew of the Melampus, and on his speaking to him, he received a saucy answer and a refusal to obey him any more. The same evening Little deserted openly before the Captain's face getting into the barge of the Melampus, which came along side and took him in. On the application of captain Crafts to capt Poynts, commander of the frigate, to obtain his men again, informing him that their loss would distress him, the latter replied that he did not want the men, for he had his complement and he believed them to be three scoundrels, but that if they chose to enter with him he should expect capt. Crafts to pay them up their wages; which however was refused. Such is the statement made by capt. Crafts, and it is presumed it is in no part liable to be controverted.

Capt. Poynt's answer is given in a very few words; but let us, without doing any violence to probability, imagine him to have been a little more explicit than he is represented to have been; might he not (supposing him to have been a candid man) have spoken somewhat in the following manner?

"Sir, 'tis true I have got your men on board my ship, but I dont want them; I dont like the fellows themselves, and besides my crew is compleat; but my orders are to take sailors wherever I can get them, and if I have too many, to put those I dont want on board some other ship that does want them. We make a practice as you know, of taking all Swedes, Danes, Spaniards, French, Italians, Russians, Portuguess, in short, all that are not Americans, out of your vessels, as often as we come across them, (for it is clear *you* have no right to them, and in all such cases John Bull is a sort of general residuary legatee to the globe) besides, we take, of course our own sailors whenever we meet with them, and sometimes by a mistake, we take yours. Such, sir, being the broad and liberal principles on which we act, I am under the necessity of informing you, that if your men chose to enter with me, my duty compels me to receive them; and indeed so innocent or I may say so praise-worthy is their conduct regarded by us, that the men must not lose a shilling by it; you must therefore pay them up their wages to this time."

Such we think might have been the answer of capt. Poynts, had he inclined to be communicative. Captain Craft it seems refused to pay the men their wages, and capt. Poynts considering it as rather a hard case, upon the whole, that Capt. Crafts had in the first place been captured and sent in for condemnation without any reason for it, by which means his voyage had probably been entirely broken up and that it was a sufficient vexation to have to hunt up other men to supply the place of the deserters before he could get home again, and moreover, regarding the fellows as great scoundrels whom he did not want, courteously let capt. Crafts off without insisting on the back wages. In this respect capt. Crafts was more fortunate than the capt. of the ship Fanny, which some time ago sailed from this port to Greenock and while lying there lost the whole crew by desertion to a British Tender, the capt. of which not only refused to deliver them up but obliged the American to send them their chests and baggage, and to pay up every shilling of their back wages; after which he was obliged to go all the way to Leith to procure a crew to navigate his vessel back to port. Which shews by the way, that the case immediately before us is not an anomalous one. Indeed no one will deny that to receive deserters and encourage desertions to English ships of war is a constant, open, and avowed practice and one countenanced by English laws.* But to proceed:

Behold now our three seamen all safe on board the Melampus frigate, and making part of her crew, having formally entered and received the King's bounty. Very well. She arrives at Norfolk and sends her boat ashore for water, and these three sailors in it with one more. They understood perfectly the trick of leaving boats; they had left the Neptune's boat, at Plymouth, in England, and had been received and protected by a British frigate, and it would be hard, indeed, as well as unaccountably strange, if they could not leave the boat of the Melampus at Norfolk, in America, and find as good a reception and as much protection there too. This mode of reasoning required no great ingenuity; it was indeed so natural and obvious, they could not well miss it, so they left the boat and made off.

Presto, pass and begone! The cups are turned, and every thing turns too as by enchantment. That conduct which at Plymouth was thought so commendable and worthy of reward, when it operated against an American vessel, now, at Norfolk, when it is found to operate against an English vessel, is suddenly transformed into the double crime of mutiny and desertion; both punishable with death. The government are quickly demanded to deliver up the fugitives; and because this is not followed by a ready compliance, orders are issued by admiral Berkely to the English navy to search for these deserters and seize them in whatever ship they may be found: and if judged necessary to employ force and take them. Accordingly the captain of the Leopard, on receiving a refusal from commodore Barron to deliver the men, pours in his broadside, kills and wounds a number of his crew, obliges him to strike his flag, seizes the men, and carries them off in triumph.

And we are now told by writers among ourselves, that all this was perfectly right and proper, for that "the principle is universally admitted, that a nation may do whatever is essential to self preservation, and of consequence, may not only resist practices unaccompanied with force, but secure itself by force against attempts and designs which evidently threaten its safety and existence:" that "the duty of self-preservation, which sanctions a resistance to actual force, will justify an officer on a distant expedition in defending himself against any artifices or practice, though not attended with force, *which if permitted, will deprive him of the means of self-defence, and frustrate the end of his appointment;*" and that "*to this right, is inseparably incident, that, of retaking by force whatever is unjustly taken from them, either by force or fraud.*" Such are the propositions laid down by a distinguished writer in the Boston Repertory, who has volunteered on the British side, under the signature of *Anson*. What a pity it is, that all this formidable *Park* of artillery which has been so carefully provided, can be turned in an instant, and made to play upon the very cause it is brought to serve?

Will Anson condescend to inform us whether he thinks the enlisting sailors from on board on American vessel in a foreign port is not an artifice, or practice as injurious to Americans, as is that of enlisting sailors from on board an English vessel in a foreign port, is to the English? or whether the manning an English ship of war by deserters, is any more essential to the self preservation of the English navy, than the manning an American ship of war by deserters, is essential to the self preservation of the American navy? And on which of his principles or on what other of law or equity, or common sense, it is that the pretensions of the British commanders at Plymouth (and such as they have always been in the habit of advancing and practicing upon,) can be reconciled with their pretensions, advanced and practiced upon at Norfolk?

It is perceived that we lay out of the case for the present, the citizenship of the sailors; and to give those who take the opposite ground every advantage, we also lay aside the circumstance of the attack having been made on a national ship, and merely ask for a reconciliation of the two opposite, conflicting claims advanced by Great Britain and on the support of which her cause depends. We confess we are altogether unable to comprehend how it is that the English navy can have a right to receive and protect deserters from us, as their own property because they have received the *king's bounty*, and at the same time deny us the right, under precisely parallel circumstances, to receive deserters from them, and protect them as our property, after they have received our king's bounty. Nor can we understand what sort of justice that can be which makes the same act between the same parties, dictated by the same motives, innocent at Plymouth and a capital crime at Norfolk. The truth is, the case presents an inextricable dilemma, which no dexterity can evade, and from which no ingenuity can escape. The two pretensions advanced by the English are totally irreconcileable with each other, and therefore we run no hazard in saying that both cannot be right: In the spirit of amity we will give them their choice; they may have *either*—but we can never allow them *both*.

We have the utmost confidence in this argument; we think it unanswerable: if, however, there is any one disposed to enter the lists on the other side, let him come forward; no matter under what title he appears, this paper shall be open to him. We make no apology for the part which we have taken. This is a question in which the honor and safety of the nation is involved, nor will we, in complaisance to any man or set of men, nor from any apprehensions of giving offence, permit little unworthy considerations to separate us from what we consider our duty.

To conclude—We entertain a respect for Great-Britain; it is the land that gave birth to our ancestors, and we feel an attachment to the soil that covers their bones; we venerate her institutions; we look with anxiety on the struggle in which she is now engaged for self preservation; we hope she will maintain her independence uninjured and that it will yet be long, very long, before the sun of her glory shall begin his descent to the west with diminished lustre; but we can never behold with a criminal indifference the ill-judged, the unwarrantable attempts of an unwise ministry to trench upon the perfect rights of other nations; especially of one which both inclination and interest strongly unite to render friendly to her.—Against such attempts we shall always stand ready to raise our feeble voice and to call on the patriotism of our countrymen to rouse and resist them.

* Vide Stat. Geo. 3 c. 31. s. 11 and 13. Geo. 2. c. 3 sec. 1 and 2.

The Conspiracy.

TRIAL OF BURR.

[We deem it unnecessary to publish any farther details of the trial of Aaron Burr for *Treason*. Since his acquittal, a *nolle prosequi* has been entered by the public prosecutor, on the other indictments for treason, and thus this wonder-working affair has ended.....We now come to the trial of Burr for a *misdemeanor*:....

Edit. Bal.]

September 9.

The jury was called and the indictment read.

Mr. Hay produced the return of the President to the *subpœna duces tecum*, requiring the exhibition of the letter of General Wilkinson to him on the 12th of November, 1806, which has before been noticed. The return was annexed to a copy of the letter with the exception of those parts which he deemed of a confidential nature, and which he thought ought not to be disclosed. The parts excepted agree in substance, and almost verbatim, with those which Mr. Hay deemed his duty to withhold.

The return is in the following words:

"On re-examination of a letter of November 12th, 1806, from General Wilkinson to myself (which having been a considerable time out of my possession is now returned to me) I find in it some passages entirely confidential, given for my information in the discharge of my executive functions, and which my duties and the public interest forbid me to make public.—I have therefore given above a correct copy of all those parts which I ought to permit to make public. Those not communicated are in no wise material for the purposes of justice on the charges of treason or misdemeanor depending against Aaron Burr; they are on subjects irrelevant to any issues which can arise out of those charges and could constitute nothing towards his acquittal or conviction. The papers mentioned in the 1st and 3d paragraphs as inclosed in the letter being separated therefrom and not in my possession, I am unable from memory to say what they were. I presume they are in the hands of the Attorney for the United States.

"Given under my hand this 7th day of
"September, 1807.
"TH. JEFFERSON."

Mr. Hay then, in a concise and perspicuous address to the jury, opened the case on the part of the prosecution. He referred to the law of Congress on the subject, stated the nature of the offence, and the facts which he expected to prove.

Mr. John Graham, was called as a witness.

Col. Burr requested that the gentlemen would state what they expected to prove by Mr. Graham.

Mr. Hay said that he expected to prove that a military expedition was set on foot by the accused; that he provided the means for it; and that their object was the Spanish provinces, after taking possession of New-Orleans.

Col. Burr wished it stated with more precision what was expected to be proved by the witness. He said that it was not sufficient to state in the very words of the indictment what a witness was to prove. It would be acknowledged by the gentlemen that Mr. Graham never saw him except at the town of Washington in the Mississippi Territory.

Mr. Hay presumed that he might be permitted to go on with the examination and bring out the evidence as well as he could. He had no statement from Mr. Graham; but he expected to prove by him the preparation for a military expedition set on foot in Virginia by the accused, to be carried on against the Spanish Territories.

Col. Burr conceived that the witness should be restricted as upon a former occa- or confined to the fact charged in the indictment.

Mr. Hay had no objection to commencing with the facts which took place in this state; but insisted on the right to give evidence of facts out of the state to connect the accused with the transaction.

Mr. Graham was desired to withdraw for the present.

Peter Taylor was called—He was examined by interrogatories, and as far as his answers were made to those interrogatories, his testimony agreed in every particular with that already published.

Maurice P. Belnap was then called—He deposed to the facts already before the public, with several additional circumstances not then required to be related.

Richard Neale was sworn. He was proceeding with his evidence to state that Blannerhasset sent for him and asked him if he could keep a secret, when he was interrupted by Col. Burr, who objected to any relation of conversations with others not in his presence. He said he was willing to indulge the examination of any testimony to prove a military expedition in this state; but as it was admitted on all hands that he was not present, when the appearance of an expedition which has been attempted to be proved was set on foot: that is, the assemblage of the four boats at Blannerhasset's Island, he should object to any evidence being given to connect him with that assemblage.

Mr. Hay said he meant to prove the connexion between the accused and the party at Blannerhasset's Island; and that the party descended the river to the mouth of Cumberland where Burr resumed the command of the expedition. If there were any objections to this kind of testimony, they had as well be made at once.

Col. Burr said that he had invited the gentlemen to prove any facts which took place on the Island; that he saw several witnesses in court who had testified to those facts before; but the moment the gentlemen departed from that kind of evidence, he should feel it his duty to object. It is well understood that we are to have a long controversy about certain points of law, and the sooner we are brought to it the better.

Mr. Hay said he wished to save as much time as possible. Is there any objection to our going on to prove the descent of the party from Blannerhasset's Island till they joined col. Burr, and his taking command of the expedition afterwards.

Mr. Botts immediately rose and commenced an argument in opposition to the introduction of any further testimony in the cause.

He laid down the following propositions;

1st. That under the act of Congress there can be no accessorial offender, i. e. none are within the points of the statute but such as are *acting* at the fact.

2d. If the first point be not sustainable, no act of col. Burr out of the district can be given in evidence against him.

3d. Again, if the first point be not sustainable no act of an accessorial agency can be given in evidence on this indictment charging the offence of acting at the Island, and not specially that the indicted did the accessorial act.

4th. That if the foregoing points be not sustainable, still no evidence of an accessorial agency could be given till the record of the conviction of an actor in the expedition be produced.

5th. That the acts on Blannerhasset's Island cannot amount to a providing or preparing the means, or a beginning or setting on foot a military expedition *there*. This point revolves itself into two others. 1st. There was no military expedition to maturity there. 2dly. If there was a military expedition in progress there, it was not began or set on foot there, nor were the means provided or prepared thereon. In enquiring into what constitutes the offence under the act of congress, he contended that the act was so uncertain and ambiguous that it never could be carried into execution. He instanced many cases which went to shew that, according to the rules of constructing penal statutes, this act could not be enforced. He argued that providing the means spoken of in the act of congress, required the *entire* means; that the means must be not of an expedition; that to make it a military expedition it must have a military character, the most essential means of a military *organization*; that there must be a military posture; that the means must be adequate to the end; that no assembly of men was engaged in this expedition, nor was Col. Burr even present at it; that no *intention* could aid *facts* in furnishing the means of military expedition; that war might be without military form, but the means of a military expedition must have a military character; and that *hostile* means will not do, unless the means be *military*.

A 6th point was, that no evidence of conversations said to have taken place between any other persons can be given in evidence against Colonel Burr, unles he were present at the time the conversations passed.

[The opinion of the court on these points was delivered on Monday, the 14th inst. Its length prevents its insertion this week. It shall be given in our next. Edit. Bal.]

September 15.

Mr. Hay said that the counsel for the prosecution would attempt to go on as well as they could; and that they would attempt to introduce no evidence which interfered with the opinion of the court. He should state what he conceived to be a summary of that opinion. Mr. Hay stated one or two propositions, when the opposite counsel objected to this course. Mr. Martin suggested whether it would not be better to introduce particular points of testimony, for the court then to determine upon their admissibility. After some conversation Mr. Hay called up Mr. Neale. Q. Were you on the island on the night of Blannerhasset's departure? A. I was not; I left it about the 20th of August.

James M'Dowel was then called; when Mr. Hay observed that this witness was introduced for the purpose of proving an interview between him and the accused at the mouth of Cumberland river, when the accused stated to him the object of his expedition.—Mr. Burr observed that he understood that this was offered as corroborative and auxiliary testimony. Auxiliary to what? They ought first to demonstrate that he did commit the acts on the island, that were laid in the indictment. Why do they thus attempt to prove acts done in Kentucky out of this district?

Some arguments ensued on this point; when Mr. Hay observed that he considered the terms, "providing and providing means" as direct and operative terms of the law; he would prove that means for a military expedition had been provided at the island; and the question was, who did provide them? He would undertake to deduce from

circumstances, to the complete satisfaction of the jury, that Mr. Burr was the provider. These circumstances were satisfactory to his mind, and he thought they would be equally so to them.

Chief Justice. If you have any testimony about providing the means at Blannerhasset's island let it be produced.

Mr. Dudley Woodbridge was then called do. He gave a particular history of the contract with Mr. Burr, the building of the boats and the preparing of provisions.—The prosecution interrogated him particularly about the corn which Blannerhasset had purchased on the island, and attempted to shew that in this transaction he acted under powers of the firm. The opposite counsel asked him whether this purchase of corn had ever been carried in the company books. A. No. Were the partnership accounts settled? A. Yes.

Peter Taylor was then interrogated about the corn purchased by Blannerhasset on the island. He said that this corn was kiln-dried on the island: then carried to the mills on the Muskingum and on the Kanhawa; that the meal was brought back to the island; but he was not certain whether any had been carried away by Blannerhasset's party.

Mr. Hay at length arose. He said he perceived very distinctly that he could not proceed with his evidence without meeting the opinion of the court.—That opinion had removed the great and most effective part of his testimony; that under such circumstances he could not support the prosecution, he was willing therefore to enter a Nolle Prosequi and he quoted Foster p. 3272 to shew that after a jury was impannelled it was within the discretion of the court to admit that practice; that he was led to this mode of proceeding by the consideration that the law under which the indictment was laid was vague in its terms and as yet undecided, and that this course might permit him to resume the prosecution at some future day, should any substantive occur.—The opposite counsel objected to this proceeding: that it was contrary to the uniform practice of the courts; that it was the right of the jury to give a verdict; that the consequences of this proceeding would be the delay of justice to the accused, to whom the constitution had awarded the benefit of a speedy trial. They attempted to show that the principle from Foster did not apply.—Mr. Hay was perfectly willing to submit it to the court.—The Chief Justice decided that the attorney could not enter a Nolle Prosequi.

The jury then retired with the indictment, and after an absence of about 20 minutes, Mr. Orris Payne, their foreman, returned a verdict of "Not Guilty."

Mr. Hay then announced the course which he was now to pursue; Mr. Burr was not yet discharged from his recognizance for the misdemeanor; that it was his intention to move for his commitment to that place for trial where the military expedition is said to have been completed; that he should combine in the same motion Mess. Smith and Blannerhasset, and that he should have no difficulty in entering a Nolle Prosequi to their trials for a misdemeanor. Mr. Burr requested the attorney to alledge the place where the act is said to have been committed. Mr. Hay replied, that the evidence he should introduce would cover a vast extent of territory; that he would name if he could, the very spot. Mr. Burr, the district then—Mr. Hay, I do not distinctly recollect the opinion of the court; but I believe it will be proved that the troops were assembled at the mouth of the Cumberland river and down the Mississippi river to Bay au-Pierre in a warlike posture. It is not my business to locate the scene. It will be the province of the court, after they have heard the evidence to fix the place where he is to be tried.

Mr. Martin mentioned the case of John Smith of Ohio; but no arrangement was made.

Mr. Wickham mentioned the case of Jonathan Dayton. Mr. Hay observed, that he did not think himself justified in entering a nol. pros. as that would discharge him from his recognizance; and he was not certain but some evidence would occur in the course of the examination which would induce him to combine Mr. Dayton in his motion for commitment; that he had no doubt that Mr. D. was leagued in the general conspiracy, and if he had any, the similarity of the hand writing of the letter he had in his hand (Gen. Dayton's) with some he had previously seen, would have satisfied his mind.

Mr. Wickham then proposed that Mr. Hay should enter a nol. pros. and that gen. D. should continue his recognizance; to which Mr. Hay acquiesced.

Adjourned till Wednesday 11 o'clock.

Hudson, *September 29.*

Be it our weekly task,
To note the passing tidings of the times.

COMMUNICATION.

A Comet,

Has been seen in the S. W. for four or five nights past, setting rather before 9 o'clock. Its apparent size is about that of a star of the first magnitude, and its tail comparatively about 2 1-2 or 3 yards long. The haziness of the atmosphere in that quarter, has prevented very exact observations: but as it is supposed to set later each succeeding night, future opportunities will be assiduously employed in noting its motion, course, &c. which will be communicated. Others are invited to do likewise.

OBSERVATOR.

September 28, 1807.

The British Treaty.

☞ A pamphlet has been recently received at Croswell's Book-Store, dedicated "to those members of Congress who have the sense to perceive and the spirit to pursue the true interests of their country."..... It contains the substance of the new British treaty, (rejected and sent back by the president) accompanied with very able and candid remarks. It is recommended to general attention.

☞ E. Gilbert, Esq. of this city, having in a great measure recovered his health, is again devoting himself to his professional business, as Attorney and Counsellor at Law.....For his advertisement, see *Newspaper.*

FOREIGN.

By the ship Gold-Hunter, Vose, arrived at New-York, in 34 days from London, papers to the 15th August are received. They furnish very little additional intelligence.

Extract of a letter, dated London, Aug. 15.

"Messrs. Mullets has just received information by way of Paris, that the Shepherdess, Doan, from London to New-York having been carried into Bilboa, the judge at Bilboa has declared the capture to be unjustifiable, and has condemned the captors with damages and interest. The reasons given by the captors for detention were—1st. The French decree of the 21st Nov. declaring England to be in a state of blockade—2d. That she carried more passengers than her papers mentioned —3d. That her Bills of Lading were not signed."

London, August 13.

A report was yesterday current in town that the island of Zealand had been occupied, and the Danish fleet taken possession of by our troops. This report we suppose to have originated in the arrival of col. Hamilton of the Waggon Train, with dispatches from Stralsund. The colonel states, that the Danish force in the island of Zealand is but inconsiderable; that admiral Gambier had passed the Great Belt, and that admiral Essington, with the second division of the Expedition, had reached the Naize of Norway: he adds, that should an attack on the Danes be the object in view, little doubt can be entertained of the success of the enterprize. This information of col. Hamilton's has been magnified into the above rumor, which is not entitled to the slightest credit; although some of our Evening Cotemporaries chose to obtrude it on the public with all the pomp of congratulary annunciation.

Statesman Office two o'clock.

We have heard that all the English shipping which were a Tonningen have arrived in Yarmouth Roads, having regular instructions from a Gun Brig stationed off Tonningen, to depart from thence. This information is stuck up at Lloyds.

The Knell.

DIED,

At Kinderhook, on the 11th inst. Captain Asa Deming, in the 50th year of his age.

At New-Lebanon, on the 13th inst. John Tryon, Esq. aged 50.

At Granville, on the 27th ult. Howell Smith, Esq aged 30.

Wreath.

EXTRACT.

[The following song is not a whit the worse for being old. It is published in a miscellaneous poetical collection, with this introduction:—"The subject of this excellent old song is a comparison between the manners of the old gentry, as still subsisting in the times of Elizabeth, and the modern refinements affected by their sons, in the reigns of her successors."

Edit. Bal.]

The Old and Young Courtier.

AN old song made by an aged old pate,
Of an old worshipful gentleman, who had a great estate;
That kept a brave old house at a bountiful rate,
And an old porter to relieve the poor at his gate;
Like an old courtier of the queen's,
And the queen's old courtier.

With an old lady, whose anger one word asswages;
They every quarter paid their old servants their wages,
And never knew what belong'd to coachmen, footmen, nor pages,
But kept twenty old fellows with blue coats and badges;
Like an old courtier, &c.

With an old study fill'd full of learn'd old books,
With an old reverend chaplain, you might know him by his looks,
With an old buttery hatch worn quite off the hooks,
And an old kitchen that maintain'd half a dozen old cooks;
Like an old courtier, &c.

With an old hall, hung about with pikes, guns, and bows,
With old swords, and bucklers, they had borne many shrewde blows,
And an old frize coat, to cover his worship's trunk hose,
And a cup of old sherry to comfort his copper nose;
Like an old courtier, &c.

With a good old fashion, when Christmasse was come,
To call in all his old neighbours with bagpipe and drum,
With good cheer enough to furnish every old room,
And old liquor able to make a cat speak, and man dumb;
Like an old courtier, &c.

With an old falconer, huntsman, and a kennel of hounds,
That never hawked, nor hunted, but in his own grounds,
Who, like a wise man, kept himself within his own bounds,
And when he dyed, gave every child a thousand good pounds;
Like an old courtier, &c.

But to his eldest son his house and land he assign'd,
Charging him in his will to keep the old bountiful mind,
To be good to his old tenants, and to his neighbours be kind:
But in the ensuing ditty you shall hear how he was inclin'd;
Like a young courtier of the king's,
And the king's young courtier.

Like a flourishing young gallant, newly come to his land,
Who keeps a brace of painted madams at his command,
And takes up a thousand pounds upon his father's land,
And gets drunk in a tavern, till he can neither go nor stand;
Like a young courtier, &c.

With a new-fangled lady, that is dainty, nice, and spare,
Who never knew what belonged to good housekeeping or care;
Who buys gaudy-colour'd fans to play with wanton air,
And seven or eight different dressings of other women's hair;
Like a young courtier, &c.

With a new-fashion'd hall, built where the old one stood,
Hung round with new pictures that do the poor no good,
With a fine marble chimney, wherein burns neither coal nor wood;
And a new smooth shovelboard, whereon no victuals e'er stood;
Like a young courtier, &c.

With a new study, stuft full of pamphlets and plays,
And a new chaplain, that swears faster than he prays;
With a new buttery-hatch that opens once in four or five days,
And a new French-cook, to devise fine kickshaws and toys;
Like a young courtier, &c.

With a new fashion, when Christmas is drawing on,
On a new journey to London straight we all must be gone,
And leave none to keep house, but our new porter John,
Who relieves the poor with a thump on the back with a stone;
Like a young courtier, &c.

With a new gentleman-usher, whose carriage is complete,
With a new coachman, footmen, and pages to carry up the meat;
With a waiting gentlewoman, whose dressing is very neat,
Who, when her lady has din'd, lets the servants not eat;
Like a young courtier, &c.

With new titles of honour bought with his father's old gold,
For which sundry of his ancestors' old manors are sold;
And this is the course most of our new gallants hold,
Which makes that good house-keeping is now grown so cold
Among the young courtiers of the king,
Or the king's young courtiers.

SONNET TO FORTUNE.

From Metastasio.

WHAT, hop'st thou, Goddess, when thy ceaseless care
Spreads rocks and thorns to check my onward way,
That I should tremble at thy fickle sway?
Or toil in vain to catch thy flying hair?
With threats like these awake the dastard fears
Of him who bows beneath thy base controul;
Know, I could see with calm intrepid soul,
The world in ruins, and the falling spheres!

Nor am I new to dangers and alarms;
Long didst thou prove me in the doubtful fight;
From trying conflicts, and opposing harms,
I rose more valiant and confirm'd in might.
From falling hammers thus the temper'd arms
Strike with a keener edge, and beam more dazzling light.

The following beautiful translation of queen Mary's Sonnet on leaving France, is from the pen of the late John Baynes, Esq.—*Emerald*.

AH! pleasant land of France farewell!
My country dear,
Where many a year
Of early youth I lov'd to dwell.
Farewell forever, happy days!
The ship which parts our loves conveys
But half of me:—one half behind
I leave with thee, dear France, to prove
A token of our endless love,
And bring the other to my mind."

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FOR 1807.

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